

Prohibited Activities

The following activities are prohibited throughout Parcel E:

- Growing produce in native soil for human consumption
- Use of groundwater

Additional Land Use Restrictions for IR-02 and IR-03 and Other Areas Designated for Open Space or Industrial Reuse

In addition to the specific activities prohibited below, IR-02 and IR-03 would be restricted to open space and recreational uses, unless written approval for other uses is granted by the FFA signatories and CDPH. In addition, the following land uses would be specifically prohibited unless written approval for such uses is granted by the FFA signatories and the CDPH in accordance with the “Covenant(s) to Restrict Use of the Property,” Quitclaim Deed(s), and LUC RD report:

- A residence, including any mobile home or factory built housing, constructed or installed for use as residential human habitation
- A hospital for humans
- A school for persons under 21 years of age
- A daycare facility for children

The restricted land uses identified above shall also apply to property areas in the Shipyard Shoreline Open Space District, as identified in the amended “Hunters Point Shipyard Redevelopment Plan” (SFRA, 2010b), unless written approval for such uses is granted by the FFA signatories in accordance with the “Covenant(s) to Restrict Use of the Property,” Quitclaim Deed(s), and LUC RD report. Parcel E property areas within the Shipyard Shoreline Open Space District are identified as Redevelopment Blocks EOS-1, EOS-2, EOS-3, EOS-4, and EOS-5 (Figure 2).

In addition, land use restrictions identified above shall also apply to property areas in IR-52 (Railroad Right-of-Way; see Figure 2), unless written approval for such uses is granted by the FFA signatories in accordance with the “Covenant(s) to Restrict Use of the Property,” Quitclaim Deed(s), and LUC RD report. The future reuse for IR-52 is predominantly light industrial, as identified in the redevelopment plan for the Bayview Hunters Point redevelopment project adjoining HPS (SFRA, 2010b).

Additional Activity Restrictions Related to Radionuclides at IR-02 and IR-03

Exposure to radioactive chemicals in the radiological ARIC, comprised of IR-02 and IR-03 (Figure 7), would be prevented by three separate components: (1) an engineered cover, consisting of clean imported fill and (in some areas) a low hydraulic conductivity layer, to provide adequate shielding against residual radioactivity; (2) permeable geosynthetic fabric to serve as a “demarcation layer” between soil cover and underlying soil with residual radioactivity; and (3) institutional controls to implement land use and

activity restrictions necessary to limit the exposure to radiological hazardous substances and to ensure the integrity of the remedial action.

In addition to the land use and activity restrictions specified earlier in this section, the following activity restrictions would apply in the radiological ARIC.

- Land-disturbing activities within the radiological ARIC, as defined above and including installation of water lines, storm drains, or sanitary sewers, below the demarcation layer, are strictly prohibited unless approved in writing by the FFA signatories and the CDPH. Any proposed land-disturbing activity within the ARIC for radionuclides shall be required to be described in a work plan that will include but not be limited to a radiological work plan, the identification of a radiological safety specialist, a soil management plan, soil sampling and analysis requirements, and a plan for off-site disposal of any excavated radionuclides by the transferee in accordance with federal and state law. This work plan must also specify appropriate procedures for the proper identification and handling of material potentially presenting an explosive hazard. This work plan must be submitted to and approved in writing by the FFA signatories and CDPH in accordance with procedures (including dispute resolution procedures) and timeframes that will be set forth in the Parcel E OMP and LUC RD report.
- Following implementation of an approved land-disturbing activity within the radiological ARIC, the integrity of the cover/cap must be restored upon completion of excavation as provided in the Parcel E OMP, LUC RD report, or similar document. A completion report describing the details of the implementation of the work plan, sampling and analysis (if required), off-site disposal (if required), and the restoration of the integrity of the cover/cap must be submitted to and approved in writing by the FFA signatories and CDPH in accordance with procedures (including dispute resolution procedures) and timeframes that will be set forth in the Parcel E OMP and LUC RD report.
- For land-disturbing activities, as defined above and including installation of water lines, storm drains, or sanitary sewers, above the demarcation layer, the LUC RD report, the OMP, or, if required, the Parcel E RMP or a project-specific work plan will list the procedures for ensuring that the cover is not disturbed or breached. The specific design of the cover shall be agreed to in the RD.

At the time of transfer, the areas that require this restriction will be surveyed to define the legal metes and bounds for inclusion in the property transfer documents. No variance or exemption from this restriction shall be allowed unless written approval is provided by the FFA signatories and CDPH. The OMP for Parcel E or LUC RD report shall address any necessary additional soil and radiological management requirements, for example inspections, monitoring, and reporting requirements for portions of Parcel E in the radiological ARIC.